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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,654	08/31/1999	MICHEL K. BOWMAN-AMUAH	AND1P275	2844

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EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/387,654

Applicant(s)

BOWMAN-AMUAH, MICHEL K.

Examiner

Michael J Fisher

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-18 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. Specifically, in claims 13-18 there is claimed 'logic that...(performs a function)'. The logic would have to be enumerated for one of ordinary skill in the art to make and or use the invention, merely reciting that there is a logic is insufficient.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims do not specify the make-up of the logic claimed in each of claims 13-18. There would be no way that one of ordinary skill in the art to make and or use the invention.

Note: For examination purposes, the logic will be assumed to correspond to code segments as claimed in claims 7-12.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, it is unclear what is meant by the term "allowing" in section (b). The language is unclear in that there is no step that outlines how to 'allow' the limitation.

Note: For examination purposes it will be assumed that the limitation is '...having a batch request...'.

As to claim 4, it is unclear what is meant by "... creating a receiver which...". Whether the "receiver" is an actual, physical peripheral to a computer or a section of code in the program or something else.

Note: For examination purposes, it will be assumed that the receiver is not a physical device but merely a section of code in the software.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3629

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grewal et al. (Grewal).

As to claims 1,2,13 and 14, Grewal discloses a system for batching information (claim 1) that batches messages (in different queues, Linkset-1, Linkset-0 as discussed in the abstract), the messages are distributed according to a protocol (last sentence of abstract) and further, the system correlates information about the messages and delivers them according to the protocols, (message number or timer threshold as discussed in the abstract).

As to claims 3 and 15, Grewal further discloses batching logically related requests, as discussed in relation to the various Linksets, unbundling them upon receipt (claim 1, message distribution), and further, it would be inherent that the messages would have an action associated with them and that they would be responded to.

As to claims 4 and 16, Grewal discloses providing a group of business objects necessary for a transaction (the reason for the messages), creates a receiver that

Art Unit: 3629

communicates with the business objects (the service controller), and the messages would inherently be forwarded to the recipient intended.

As to claims 5 and 17, Grewal discloses grouping the messages according to parameters (for transmission over the various Linksets), using different weighting criteria (message number or timer threshold) and batching them into a message.

As to claims 6 and 18, Grewal discloses using the system in order to avoid interference between messages (abstract), the limitations of claim 6 are further well-known in the art as "queuing theory" and are used in any time-specific project that has interlocking steps, some of which are required before the next step can be done.

As to claims 7-11, Grewal discloses using a computer for the process and therefore it would inherently use code to achieve the process.

As to claim 12, the message would be changed upon completion of the task assigned.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 6,546,364 to Smirnov, et al., Smirnov, et al., disclose a method and apparatus for maximizing workflow that batches and unbatches messages according to certain protocols, US PAT 6,415,192 to Satoguchi, Satoguchi discloses a process flow system and method that regulates processes and unbatches messages according to a recipe, US PAT 6,147,990 to Andrews et al., Andrews et al. disclose a routing technique that routes packets through a network and un-batches them upon receipt, US PAT 6,088,626 to Lilly et al., Lilly et al. disclose a system for scheduling

Art Unit: 3629

work orders in a manufacturing process, batching and unbatching orders according to need in a queuing theory process, US PAT 5,545,326 to Tai et al., Tai et al. disclose a method of improving queue time performance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

MF 
10/1/03


JOHN G. WEISS
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